

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Robert E. Rodgers Jr.

Confirmation No.: 7840

Application No.: 10/723,707

Group Art Unit: 3764

Filed: November 26, 2003

Examiner: Stephen R. Crow

For: VARIABLE PATH EXERCISE APPARATUS

**RESPONSE TO RESTRICTION REQUIREMENT DATED AUGUST 14, 2006  
AND THIRD PRELIMINARY AMENDMENT**

MS Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Commissioner:

In response to the August 14, 2006 Restriction Requirement and as a result of the August 24 interview with Examiner Stephen Crow, applicant requests that the following amendments be made prior to examination on the merits of this application. Consideration of this case in view of the amendments made below is requested. Following entry of this amendment pending claims are 535 and 769-816.

A **Listing of Claims** is provided starting at page 2 of this paper.

**Remarks** begin on page 10 of this paper.